



**ACTION MINUTES OF THE
SAINT PAUL CITY COUNCIL**
Wednesday, October 3, 2007 - 3:30 p.m.

PUBLIC HEARINGS – 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR
City Hall and Court House
15 West Kellogg Boulevard

Mary Erickson - 651-266-8565
Racquel Naylor - 651-266-8573
Office of the City Council

Present – 6 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery
Absent – 1 – Thune

CONSENT AGENDA (Items 1 - 21)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Mary L. Brodt, Esequiel Martinez Castillo, Cornelius Cummings, Shawn T. Barott, Randall S. Geller, Edward J. Hinich, Terry Wayne Hudgens, Wubishet Jigsa, Matthew R. Murphy, Scott G. Murray, Okechukwu F. Onah, Melissa Sloan, Renee R. Tyler, and Yonas Woldmicheal.
Referred to Risk Management
2. Amended Notice and Order for Hearing in the matter of the State of Minnesota by Velma Korbelt, Commissioner, Department of Human Rights, vs. the City of Saint Paul.
Referred to the City Attorney's Office
3. Letters from the Department of Safety and Inspections/Code Enforcement declaring 1000/1002 Desoto Street, 38 Geranium Avenue East, 835 Juno Avenue, and 1098 Sylvan Street as nuisance properties, and setting date of Legislative Hearings for October 9, 2007 and City Council public hearings for November 7, 2007.

FOR ACTION

4. Approval of minutes of July 25, 2007.
Adopted Yea – 6 Nays – 0

5. Resolution – 07-907 – Approving the Labor Agreement between the City and the Lakes and Plains Regional Council of Carpenters and Joiners for the period May 1, 2007 through April 30, 2010. (To be laid over one week for adoption) (GS 3043833)
Laid over to October 10 for adoption Yeas – 6 Nays – 0

6. Resolution – 07-908 – Approving the Memorandum of Agreement between the City and the Saint Paul Fire Supervisory Association, Local 3939, regarding health insurance options and contribution levels for 2008, 2009, and 2010. (To be laid over one week for adoption) (GS 3044051)
Laid over to October 10 for adoption Yeas – 6 Nays – 0

7. Resolution – 07-909 – Accepting a contribution by the Katherine B. Andersen Fund to support the Mayor’s Second Shift Initiative and the Workforce Training and Development Initiative. (GS 3043601)
Adopted Yeas – 6 Nays – 0

8. Resolution – 07-910 – Accepting a contribution of \$97,000 from the Minnesota Early Learning Foundation in support of the Mayor’s Early Childhood Initiative. (GS 3044180)
Adopted Yeas – 6 Nays – 0

9. Resolution – 07-911 – Authorizing the Division of Parks and Recreation to receive free labor services from the Minnesota Conservation Corps consistent with the State of Minnesota’s Clean Water Legacy Program. (GS 3044110)
Adopted Yeas – 6 Nays – 0

10. Resolution – 07-912 – Approving the application with conditions, per the Legislative Hearing Officer, of Andrea Miller, owner, Chatterbox Enterprises Highland, Inc., d/b/a Chatterbox Pub, 800 Cleveland Avenue South, to add Liquor Outdoor Service Area (Sidewalk). (GS 3044257)
Adopted Yeas – 6 Nays – 0

11. Resolution – 07-913 – Approving adverse action against the Cigarette/Tobacco license by Dollar, Inc., 560 University Avenue. (GS 3044019)
Adopted Yeas – 6 Nays – 0
12. Resolution – 07-914 – Amending Council File 07-546 to delete the assessment for graffiti removal at 999 Fifth Street East. (GS 3044018)
Adopted Yeas – 6 Nays – 0
13. Resolution – 07-915 – Approving the decision of the Legislative Hearing Officer on an appeal of a fence permit at 1559 Cumberland Street. (3044173)
Adopted Yeas – 6 Nays – 0
14. Resolution – 07-916 – Memorializing City Council action taken September 5, 2007, denying the application of JLT Group to rezone the area generally bounded by Robert Street, Fillmore Avenue, Highway 52, and the Mississippi River to PD (Planned Development). (The Bridges of Saint Paul) [ZF 07-110-903] (GS 3044175)
Adopted Yeas – 6 Nays – 0
15. Resolution – 07-917 – Authorizing the Police Department to accept a grant from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, for alternate enforcement to monitor and conduct surveillance on liquor establishments within the City of Saint Paul from July 1, 2007 through May 31, 2008. (GS 3043711)
Adopted Yeas – 6 Nays – 0
16. Resolution – 07-918 – Amending the Capital Improvement Budget in the amount of \$111,882.12 by reallocating available balances where needed and establishing an increased amount for contingency. (GS 3043600)
Adopted Yeas – 6 Nays – 0
17. Resolution – 07-919 – Authorizing the proper City officials to enter into an agreement with Minnesota Commercial Railway Company for improvement of the existing at-grade railroad crossing on Cleveland Avenue, approximately 400 feet south of Wabash Avenue. (GS 3044256)
Adopted Yeas – 6 Nays – 0

18. Resolution – 07-920 – Authorizing the Department of Public Works to donate \$262.50 worth of safety equipment to the Minnesota National Guard Unit of a Public Works’ employee serving in Iraq. (GS 3044183)
Adopted Yeas – 6 Nays – 0

19. Resolution Approving Assessment – 07-921 – In the matter of the assessment of benefits, cost, and expenses for tenant remedy action rehabilitation for property at 1123 Galtier Street in June 2007, and setting date of public hearing for November 7, 2007. [TR0706] (GS 3044293)
Adopted Yeas – 6 Nays – 0

20. Resolution Approving Assessment – 07-922 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections from January to June 2007, and setting date of public hearing for October 17, 2007. [File No. SWRP0702B] (GS 3044172)
Adopted Yeas – 6 Nays – 0

21. Resolution Approving Assessment – 07-923 – In the matter of the assessment of benefits, cost, and expenses for summary abatements (graffiti removal) on private properties from August 8 to August 30, 2007 (J0704P); demolition of vacant buildings at 1126 Edgerton Street and 707 Kent Street during August 2007 (J0711C); summary abatements (property clean-up) on private properties from August 13 to August 30, 2007 (J0714A); providing weekly garbage hauling services from August 8 to August 29, 2007 (J0714G); boarding-up vacant buildings during July 2007, and setting date of Legislative Hearings for November 6, 2007 and City Council public hearings for January 16, 2008 (GS 3044152)
Adopted Yeas – 6 Nays – 0

FOR DISCUSSION

22. Resolution – 07-924 – Recognizing the National Trust for Historic Preservation and welcoming members and partners to the 2007 National Preservation Conference on October 2-6, 2007. (GS 3044550)
Adopted Yeas – 6 Nays – 0

23. Resolution – 07-768 – Transferring additional CDBG funds to the appropriate amended funding codes for the Neighborhood Housing Rehabilitation Program for CDCs. (Laid over from September 5) (GS 3042590)
Adopted Yeas – 6 Nays – 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

24. First Reading – 07-925 – An ordinance amending Section 140.06 of the Saint Paul Legislative Code regulating conduct in the skyway system by deleting obsolete language and adding new language reflecting changes in the administrative process for regulating skyway conduct. (GS 3041970)
Laid over to October 10 for second reading
25. First Reading – 07-926 – An ordinance amending Chapter 366A of the Saint Paul Legislative Code, Parades, Races and Public Assemblies, by moving skyway permits to Chapter 140. (GS 3043363)
Laid over to October 10 for second reading

PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

26. Third Reading – 07-853 – An ordinance amending Chapter 40 of the Saint Paul Legislative Code to provide the Fire Marshal authority to suspend or revoke the fire certificate of occupancy when an owner or interested party cannot be identified after a good-faith effort. (GS 3043535)
Laid over to October 10 for final adoption
27. Third Reading – 07-887 – An interim ordinance pursuant to Minn. Stat. 462.355, Subd. 4, preserving the status quo regarding a residential property use commonly known as a “sober house” pending the completion of studies of possible amendments to the City’s official controls. (GS 3044184)
Laid over to October 10 for final adoption

28. Resolution – 07-927 – Approving the application of Tavern on the Avenue for a sound level variance in order to present live music, with limitations, on October 5 and 6, 2007 from 7:00 p.m. to 12:00 midnight at 825 Jefferson Avenue. (GS 3043930)
Adopted as amended Yeas – 5 Nays – 0 (Benanav not present)
29. Resolution – 07-928 – Approving the application of the Minnesota Wild for a sound level variance in order to present live music, with limitations, on October 6, 2007 from 9:30 p.m. to 11:30 p.m. at 150 West Kellogg Boulevard. (GS 3043970)
Withdrawn (See duplicate resolution 07-906, recalled item)
30. Resolution – 07-929 – Approving the creation of the Highland Pointe Lofts Tax Increment Financing District and adoption of a Tax Increment Financing Plan in the Department of Planning and Economic Development. (GS 3044070)
Adopted Yeas – 6 Nays – 0
31. Resolution – 07-930 – Authorizing CBS Outdoor to install new advertising bus shelters at various locations throughout the City. (GS 3044131)
Public hearing held and continued to October 17
Yeas – 5 Nays – 1 (Benanav)
32. Resolution – 07-931 – Extending Residential Permit Parking in Area 7 to include Smith Avenue from West Seventh Street to Goodrich Avenue and Goodrich Avenue from Smith Avenue to the dead-end east of Leech Street, and changing all of Permit Area 7 to “No Parking Except by Permit.” (GS 3044090)
Public hearing held and continued to November 7
Yeas – 5 Nays – 0 (Montgomery not present)
33. Resolution Ratifying Assessment – 07-878 – In the matter of the assessment of benefits, cost, and expenses for improving Davern Street from Shepard Road to West Seventh Street. [File No. 19037] (Public hearing continued from September 19) (GS 3042158)
Adopted Yeas – 5 Nays – 0 (Montgomery not present)
34. Resolution Ratifying Assessment – 07-932 – In the matter of the assessment of benefits, cost, and expenses for the Griggs/Jefferson RSVP Phase I for 2007. [File No. 19031] (GS 3042413)
Public hearing closed and laid over to December 5
Yeas – 4 Nays – 0 (Benanav and Montgomery not present)

35. Resolution Ratifying Assessment – 07-933 – In the matter of the assessment of benefits, cost, and expenses for the White Bear/Burns RSVP. [File No.19032] (GS 3042233)
Adopted Yeas – 5 Nays – 0 (Benanav not present)
36. Resolution Ratifying Assessment – 07-934 – In the matter of the assessment of benefits, cost, and expenses for the Hubbard/Griggs RVSP. [File No. 19033] (GS 3042041)
Adopted Yeas – 5 Nays – 0 (Benanav not present)
37. Resolution Ratifying Assessment – 07-935 – In the matter of the assessment of benefits, cost, and expenses for the 2007 Right-of-Way Maintenance Assessment. (GS 3043093)
Adopted Yeas – 5 Nays – 1 (Benanav)
38. Resolution Ratifying Assessment – 07-936 – In the matter of the assessment of benefits, cost, and expenses for Operation of the Above Standard Street Lighting System for year 2007 for the following projects: Lowertown Area, Ford-Cleveland Area, Grand-West Area, North Wabasha Area, 4th/Minnesota Area, Concord Phase I Area, Wabasha/St. Peter Area, University-Western- Mackubin Area, West 7th/Madison to Munster Area, Snelling-Randolph Area, United/Children’s Hospital Area, Como-Snelling Area, White Bear/Beech-Reaney Area, Hamline University Area, Downtown Acorn Area, White Bear/Larpenteur-Hoyt Area, Selby-Western Area, Grand-East I and II Areas, Smith Avenue Area, Selby Revitalization Areas 1 and 2, River Park Plaza Area, East 7th/Payne-Minnehaha-Mendota Area, City Hall-Court House Area, Landmark Center Area, Dale/University-Minnehaha-Hatch Area, Suburban/White Bear-Ruth Area, and Rice/Sycamore-Front Area. (GS 3042511)
Adopted Yeas – 6 Nays – 0
(Public Works was directed to report back to the Council on suggestions for improving the look of the decorative lights in Lowertown.)
39. Public hearing to consider the appeal of Judith Beck and 31 neighbors to a decision of the Board of Zoning Appeals approving variances for lot coverage and setbacks to redevelop the St. Paul Church Home site for senior housing with underground parking and town homes at 484 Ashland Avenue. (Public hearing continued from September 19) [ZF 07-137-535]
Public hearing continued to October 17 Yeas – 6 Nays – 0

40. Public hearing to consider the appeal of Tom Dimond to a decision of the Planning Commission approving the vegetation plan for the floodwall and sewer work at Holman Field, 644 Bayfield Street. (Public hearing continued from September 19)
Motion of Intent – Appeal denied with acceptance of landscape plans subject to conditions Yeas – 6 Nays – 0

41. Public hearing to consider the appeal of University United to a decision of the Planning Commission approving the site plan for two new commercial buildings (a two-story Walgreens with a drive-thru pharmacy window and a Big Top Liquor store) at 1532 University Avenue. [Zoning File 07-048836]
Public hearing closed and laid over to October 10 Yeas – 6 Nays – 0

42. Public hearing to consider the application of the Saint Paul Housing and Redevelopment Authority to rezone property at 615 and 621 Case Avenue (between Payne Avenue and Edgerton Street) from RT2 (Townhouse Residential) to B2 (Community Business). [ZF 07-123-065]
**Motion of Intent – Appeal Granted
Yeas – 5 Nays – 0 (Benanav not present)**

43. Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Vone X. Moua and Mee Lee Moua d/b/a Malina’s Sports Bar and Grill, 691 Dale Street North.
Findings of fact, conclusions of law, and recommendations of the Administrative Law Judge were adopted by the Council, a fine of \$1,500 was imposed, plus \$2,288 for the costs incurred by the City for the ALJ hearing, for a total of \$3,788. Yeas – 6 Nays – 0

44. Public hearing to reconsider the Stay on Enforcement of the Demolition Order for 332 St. Clair Avenue. (Staff report will be presented by Marcia Moermond, Legislative Hearing Officer)
**Public hearing held, resolution introduced and laid over to October 10
(See Suspension Item 07-944)**

45. Resolution – 07-937 – Amending Council File 07-456 to approve the assessment for removing a diseased tree from property at 515 Farrington Street. (GS 3044151)
Adopted Yeas – 6 Nays – 0

46. Resolution – 07-938 – Ordering the owner(s) to remove the property at 64 Garfield Street within fifteen (15) days from adoption of resolution. (GS 3042995)
(Legislative Hearing Officer recommends approval)
Adopted Yeas – 5 Nays – 1 (Harris)

47. Resolution – 07-939 – Ordering the owner(s) to remove the property at 992 James Avenue within fifteen (15) days from adoption of resolution (GS 3042996)
(Legislative Hearing Officer recommends approval)
Adopted Yeas – 6 Nays – 0

48. Resolution – 07-940 – Ordering the owner(s) to remove the property at 1457 Mechanic Avenue within fifteen (15) days from adoption of resolution. (GS3042994) **(Legislative Hearing Officer recommends approval)**
Adopted Yeas – 6 Nays – 0

49. Resolution – 07-941 – Ordering the owner(s) to remove the property at 1471 Mechanic Avenue within fifteen (15) days from adoption of resolution. (GS 3042993) **(Legislative Hearing Officer recommends approval)**
Adopted Yeas – 6 Nays – 0

50. Resolution Ratifying Assessment – 07-942 – In the matter of boarding up vacant buildings during June, 2007 [J0705B]; summary abatements (graffiti removal) on private properties from July 10 to July 17, 2007 [J0702P]; summary abatements (property clean-up) on private properties from July 13 to July 30, 2007 [J0712A]; and providing weekly garbage hauling services from July 18 to July 30, 2007 [J0712G]. (GS 3042690) **(Legislative Hearing Officer recommends the following:**
650 Blair Avenue (J0712A) - delete the assessment;
990 Burr Street (J0702P) - delete the assessment;
859 Case Avenue (J0712A) - approve the assessment;
754 Cook Avenue East (J0712A) - reduce the assessment from a total of \$396 to a total of \$200;
1557 Dale Street North (J0712G) - approve the assessment;
485 Edmund Avenue (J0712A) - approve the assessment;
32 Geranium Avenue East (J0712A) - reduce the assessment from a total of \$556 to a total of \$456;
696 Hawthorne Avenue East (J0712G) - delete the assessment;
691 Lafond Avenue (J0702P) - delete the assessment;
105 Manitoba Avenue (J0712A) - approve the assessment;

1885 Maryland Avenue East (J0712A) - ~~approve the assessment~~; referred to the October 16 Legislative Hearing and November 7 City Council Public Hearing;
1810 Randolph Avenue (J0702P) - delete the assessment;
776 Seventh Street East (J0712A) - delete the assessment;
256 Sherburne Avenue (J0712A) - delete the assessment;
542 Snelling Avenue South (J0702P) - delete the assessment;
1614 Western Avenue (J0712G) - approve the assessment; and
113 Winnipeg Avenue (J0712A) - approve the assessment.)

Additional Addresses:

1398 St. Clair Avenue (J0702P) - delete the assessment;
675 Seventh Street West (J0712A) - referred to the October 16 Legislative Hearing and the November 7 City Council Public Hearing; and
217 Winifred Avenue (J0712A) - approve the assessment.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas – 6 Nays – 0

51. Appeal of Patrick Cunningham to a Certificate of Occupancy, which includes Condemnation, for property at 891 Geranium Avenue East. (**Condemnation Lifted by DSI-Fire Prevention**)
Appeal Denied (per the recommendation of the Legislative Hearing Officer)
Yeas – 6 Nays – 0

52. Appeal of Kathy Minarsich to a Certificate of Occupancy, which includes Condemnation, for property at 839 Jenks Avenue. (**Legislative Hearing Officer recommends denying the appeal and granting an extension to October 31 to vacate the building**)
Appeal denied and extension granted to October 31 to vacate the building (per the recommendation of the Legislative Hearing Officer)
Yeas – 6 Nays – 0

53. Appeal of Robin Rohr to a Summary Abatement Order for property at 1834 Maryland Avenue East. (**Legislative Hearing Officer recommends denying the appeal**)
Appeal Denied (per the recommendation of the Legislative Hearing Officer)
Yeas – 6 Nays – 0

Recalled Item

Resolution – 07-906 - Approving the application for a sound level variance by the Minnesota Wild, represented by Emily Gausman, Marketing Manager, in order to present live music, with limitations, at 150 W. Kellogg Boulevard from 9:30 p.m. to 11:30 p.m. on October 6, 2007. (GS 3043970)

Adopted on September 26, 2007; recalled and adopted

Yeas – 6 Nays – 0

Suspension Items

- . Resolution – 07-943 – Memorializing City Council action taken September 19, 2007 approving the application of Richard O’Gara, Great Northern Railway Company, for a subdivision by lot split to create two industrial parcels with variance of requirement that lots are previously platted land at 0 Westgate Drive, area northwest of Highway 280 and BNSF Main Line. (Zoning File No. 07-128-931) (GS 3044214)

Adopted Yeas – 6 Nays – 0

- . Resolution 07-944 – Formally vacating the stay in implementation of Council File #05-669, an Order to Remove or Repair 332 St. Clair Avenue.

Public hearing held, closed, and laid over to October 10

Yeas – 6 Nays – 0

Council Meeting Information

Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit <http://www.stpaul.gov/council/> for meeting videos and updated copies of the agendas, minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)
